

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

**ORDER**  
03-CR-56S

STEVEN D. BLUMHAGEN and  
SUSAN M. BLUMHAGEN,

Defendants.

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1. Trial in the above-captioned case is currently scheduled for Tuesday, October 4, 2005. On August 24, 2005, Defendant Steven D. Blumhagen filed a Motion to Continue the Trial Date to March 6, 2006, or to a date thereafter. On August 25, 2005, Defendant Susan M. Blumhagen filed a Notice of Joinder in Defendant Steven D. Blumhagen's motion. On August 30, 2005, the Government filed a Motion for Extension of Time to File Pretrial Submissions.

2. Defendants argue that a continuance of the trial date in this case is necessary because of new and ongoing collateral proceedings. Aside from the instant criminal prosecution, there is a pending Securities and Exchange Commission investigation, a pending bankruptcy case, and a new investigation commenced by the United States Attorney's Office. Accordingly to Defendants, these matters are complex and intertwined. Defendants also contend that they are interested in possibly retaining an accounting consultant to examine the Government's "loss amount" analysis. Further, Defendants maintain that a global resolution of these issues would be desirable to all

involved, but that such a resolution would require additional time for counsel to learn more of the operative facts and conduct additional analysis. The Government opposes Defendants' motion on the basis that continuing the trial past October 4, 2005, would impinge the Government's interest in a speedy trial.

3. Having considered the arguments of both sides, this Court finds good cause to continue the October 4, 2005 trial date. However, this Court is not wholly convinced that an adjournment to March 6, 2006, or thereafter is appropriate. Counsel shall appear before this Court on October 4, 2005, at 9:00 a.m. for a status conference to discuss the setting of a new trial date. The Government's Motion to Extend the Time for Pretrial Submissions will be granted. The deadlines for the Government's Pretrial Submissions as set by Judge Foschio will be determined by the new trial date.

IT HEREBY IS ORDERED, that Defendants' Motion to Continue the Trial Date (Docket No. 117) is GRANTED consistent with this Order.

FURTHER, that the Government's Motion to Extend Time to File Pretrial Submissions (Docket No. 121) is GRANTED consistent with this Order.

FURTHER, that time is excluded from the Speedy Trial Clock through and including October 4, 2005, under 18 U.S.C. § 3161(h)(8)(A). In this regard, this Court notes that the delay of a speedy trial is requested by Defendants. Moreover, this Court finds that for the reasons stated above and further set forth in Defendants' motion papers, a continuance serves the ends of justice and outweighs the best interest of the public and the defendant in a speedy trial.

FURTHER, that counsel for the parties shall appear before this Court on Tuesday, October 4, 2005, at 9:00 a.m. in Part IV, United States Courthouse, 68 Court Street, Buffalo, New York for a status conference.

SO ORDERED.

Dated: August 31, 2005  
Buffalo, New York

/s/William M. Skretny  
WILLIAM M. SKRETNY  
United States District Judge